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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,868

Applicant(s)

LAWRENCE, DAVID

Examiner

GERALD C. VIZVARY

Art Unit

3684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In the amendment filed 12/23/2009, the following has occurred:
 - a. Claims 1, 3 & 12 have been amended.
 - b. Claims 18-21 have been canceled.

Now, claims 1-17 are presented for examination.

Official Notice

2. The following are citations addressing the traversal of official notice taken:

Encryption and password protection of data: Smid US 4,386,233 recites "Cryptographic keys for a cryptographic function are notarized by encrypting the keys with the cryptographic function using a notarizing cryptographic key derived from identifier designations associated with the encryptor and intended decryptor, respectively, and an interchange key which is accessible only to authorized users of the cryptographic function." Smid US 4,386,233 Abstract

Override of password by law enforcement: Gramm-Leach-Bliley Act enacted November 12, 1999 Exceptions to Notice and Opt-Out Requirements: Section 313.15 "...**To law enforcement entities** or self-regulatory groups (to the extent permitted or required by law)...To comply with Federal, State, or local laws ...To comply with

subpoena or other judicial process ...To respond to summons or other requests from authorized government authorities ...”

Banks, Brokerages and National trades for securities trading: "In 1989 all insured commercial banks held \$541 billion in securities (16.7 percent of total assets down from 17.6 percent in 1985), consisting of \$356 billion in U.S. government securities (66 percent), \$133 Billion in state and local government securities (24 percent) and 52 billion in other securities (10 percent)." Sinkey,J.F. Commercial Bank Financial Management In the financial Services Industry 4th Edition McMillian Publishing Co New York, 1992 p.156

Response to Arguments

3. In the remarks filed on 12/23/2009, Applicant argues that

(1) Goldschmidt 6,983,266 B1 does not discuss or render obvious receiving digital information related to pre-clearance of a financial transaction.

(2) Goldschmidt 6,983,266 B1 does not discuss or render obvious processing the received information by applying insider trading rules to determine whether the financial transaction would violate the insider trading rules.

(3) The method of Barton US 2002/0059093 A1 of identifying and quantifying compliance issues (Barton, Abstract) does not remedy at least the deficiencies in information related to pre-clearance of a financial transaction with regard to claim 1.

(4) Applicant submits that, by over-generalizing the applied references, the rejections in the Office Action do not establish at least either of the first two elements of a prima facie case of obviousness.

In response to applicant's argument **(1)** that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., information related to pre-clearance of a financial transaction) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument **(2)** Goldschmidt 6,983,266 B1 recites "As a result, the division may detect unusual patterns of market behaviour that might instance market manipulation, insider trading and similar practices. As a result, the division may detect unusual patterns of market behaviour that might instance market manipulation, insider trading and similar practices." (Goldschmidt 6,983,266 B1 col. 12, lines 35-38) and "Regulatory bodies monitor news and market activity to determine when participants are not in compliance with market rules. Conduct which is in breach of market rules and exchange regulations include instances of insider trading and various forms of market manipulation." (Goldschmidt 6,983,266 B1 col. 2, lines 2-5) thereby specifically addressing data which relate to violation of insider trading rules.

Applicant's argument **(3)** fails to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically

pointing out how the language of the claims patentably distinguishes them from the references.

In response to applicant's argument **(4)** the ultimate determination of patentability is based on the entire record, by a preponderance of evidence, with due consideration to the persuasiveness of any arguments and any secondary evidence. In re Oetiker, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

It should be noted that *KSR* forecloses Applicant's arguments requiring a specific teaching, suggestion or motivation to combine the references since the intended functions of the references have not been changed and the combination would have yielded predictable results.

Claim Rejections - 35 USC § 112

4. Applicant's arguments, see pp. 6-8, filed 12/23/2009, with respect to 35 USC § 112 have been fully considered and are persuasive. The 35 USC § 112 rejections of 1-5, 7-11 & 13 have been withdrawn. However, see below.

Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In the instant case the recitation "pre-clearance of a one or more financial transaction." Is

unclear in the claim and Examiner notes that the term "pre-clearance" does not occur in the specification

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-11 & 14-17 rejected under 35 U.S.C. 103(a) as being unpatentable over Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1.

Claims 6 & 17 are rejected as being unpatentable over Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 further in view of official notice.

As per claim 1 (Currently Amended) Goldschmidt 6,983,266 B1 discloses a processor-implemented method for the facilitation of facilitating monitoring of a financial transaction for one or more indications of insider trading, the method comprising: receiving digital information related to pre-clearance of a ~~one-or-more~~ financial transaction transactions into a storage medium of a computer device ("In the first step 100, SNCE and associated data and information is retrieved from the primary monitoring computer system. This information is stored on a blackboard (typically a

database system is used for the blackboard). "Goldschmidt 6,983,266 B1 col. 7, lines 58-62);

processing the digital received information by applying insider trading rules to determine whether the ~~one or more~~ financial ~~transactions~~ transaction would violate the insider trading rules ("A specific application of the conceptual model of the CMAD_{cm} multi-agent decision support system of FIG. 1 will now be described for supporting the ASX surveillance CMAD_{cm} analyst team review process. For the sake of brevity, this CMAD_{cm} multi-agent decision support system will be referred to as ALCOD. ALCOD assists the ASX's surveillance analysts' decision making task of classifying a SNCE generated by the primary monitoring system (SOMA)." Goldschmidt 6,983,266 B1 col. 12, lines 20-28) and ("As a result, the division may detect unusual patterns of market behaviour that might instance market manipulation, insider trading and similar practices. As a result, the division may detect unusual patterns of market behaviour that might instance market manipulation, insider trading and similar practices." Goldschmidt 6,983,266 B1 col. 12, lines 35-38); and

~~generating an indication that execution of the financial transaction is in violation of one or more of the insider trading rules; and~~

providing a financial transaction pre-clearance report including the generated risk quotient and any determined the indications of violations of the insider trading rules that would occur if the financial transaction was executed. ("Where there appears to have been a breach of the law, the matter is reported to the federal government body that administers the corporations law, namely the Australian Securities Commission (ASC)

for further investigation and, if necessary, for legal action." Goldschmidt 6,983,266 B1 col. 12, lines 47-51)

Goldschmidt 6,983,266 B1 fails to explicitly teach generating a risk quotient based on the processed information, wherein the risk quotient is indicative of a quantitative amount of insider trading risk (ITR) associated with the financial transaction and determining whether execution of the financial transaction violates the applied insider trading rules

Barton US 2002/0059093 A1 teaches "A user interface allows a user to input data relating to the identification and quantification of a company's compliance process and to receive identification and quantification of compliance output. A computer-based compliance identification and quantification tool, as described below in more detail, is stored in server computer 12 and can be accessed by a requester at any one of computers 14." Barton US 2002/0059093 A1 ¶ [0048])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Goldschmidt 6,983,266 B1 to include quantification of compliance as taught by Barton US 2002/0059093 A1. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Goldschmidt 6,983,266 B1 in this way since the process of compliance monitoring for anomaly detection (CMAD) involves a primary monitoring system comparing some predetermined conditions of acceptance with the actual data or event. (See at least col. 1, lines 17-20 of Goldschmidt 6,983,266 B1).

As per claim 2 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 1.

Goldschmidt 6,983,266 B1 further discloses that the digital information received comprises supporting documentation for the transactions. ("FIG. 2 illustrates in flow chart form a preferred embodiment of the method of supporting a compliance agent in CMAD in accordance with the present invention. In the first step 100, SNCE and associated data and information are retrieved from the primary monitoring computer system." Goldschmidt 6,983,266 B1 col. 7, lines 57-61)

As per claim 3 (Currently Amended) The method of claim 1 wherein the indication of [[an]] the amount of insider trading risk comprises a normal range of risk and an elevated level ~~amount~~ of risk and the method additionally comprising the steps of: generating an action responsive to the particular legal violation ("Where there appears to have been a breach of the law, the matter is reported to the federal government body that administers the corporations law, namely the Australian Securities Commission (ASC) for further investigation and, if necessary, for legal action." Goldschmidt 6,983,266 B1 col. 12, lines 47-51).

determining an elevated level ~~amount~~ of risk of a particular legal violation associated with [[an]] the elevated level of risk

Barton US 2002/0059093 A1 teaches "Database 18 includes, for example, the core compliance areas within the business' declared policies and procedures (referred to as the business Spirit and Letter), regulatory and legal requirements of the business,

contractual and internal policy requirements, and compliance risks noted in business risk model 160 (shown in FIG. 10)." (Barton US 2002/0059093 A1 ¶ [0072]) and "The ability to detect (detection) uses a similar numerical scheme with a value of one meaning that if there is noncompliance, the potential failure will be found or prevented to a value of ten representing absolute certainty that current controls will not detect potential failures or there are no controls in place. The severity rating, occurrence and detection factors are then entered into the FMEA matrix 230 under a severity column 246, an occurrence column 248, and a detection factor column 250 respectively." (Barton US 2002/0059093 A1 ¶ [0084])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Goldschmidt 6,983,266 B1 to include numerical scheme with a value indicating noncompliance as taught by Barton US 2002/0059093 A1. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Goldschmidt 6,983,266 B1 in this way since the process of compliance monitoring for anomaly detection (CMAD) involves a primary monitoring system comparing some predetermined conditions of acceptance with the actual data or event. (See at least col. 1, lines 17-20 of Goldschmidt 6,983,266 B1).

As per claim 4 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 1

Goldschmidt 6,983,266 B1 further discloses that the method additionally comprises the step of transmitting an indication to block execution of the one or more financial

transactions. ("Once an unusual pattern is detected, if no adequate explanation is found and there appears to have been a breach of the ASX rules, it is reported to the Exchange's companies division (if a listed company is involved), the ASX membership division (if a broker is involved), or the ASX derivatives division (if a derivative security is involved)."

Goldschmidt 6,983,266 B1 col. 12, lines 38-46)

As per claim 5 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 1.

Goldschmidt 6,983,266 B1 further discloses that the method additionally comprises the step of notifying a legal authority involved in enforcing insider trading laws of a potential violation of a law related to the execution of the financial transaction. ("Where there appears to have been a breach of the law, the matter is reported to the federal government body that administers the corporations law, namely the Australian Securities Commission (ASC) for further investigation and, if necessary, for legal action."

Goldschmidt 6,983,266 B1 col. 12, lines 47-51)

As per claim 6 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 1

wherein the digital information is received from at least one of: (i) a bank, (ii) a broker dealer, and (iii) a national trading exchange.

Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 fails to explicitly teach that the digital information is received from at least one of: (i) a bank, (ii) a broker dealer, and (iii) a national trading.

Examiner takes official notice that banks, brokerages and national trades are old and well known sources for securities trading. (See also ¶ 2 of this Office Action.)

As per claim 7 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 1.

additionally comprising the steps of:

analyzing the digital information received into storage for patterns of behavior indicative of insider trading ("Unusual patterns might be reflected in heavy turnover in a particular stock, or in a price change much larger than changes in other stock prices observed that day." Goldschmidt 6,983,266 B1 col. 12, lines 38-41) and ("As a result, the division may detect unusual patterns of market behaviour that might instance market manipulation, insider trading and similar practices. As a result, the division may detect unusual patterns of market behaviour that might instance market manipulation, insider trading and similar practices." Goldschmidt 6,983,266 B1 col. 12, lines 35-38); and automatically generating a suggested action based upon the data. ("Once an unusual pattern is detected, if no adequate explanation is found and there appears to have been a breach of the ASX rules, it is reported to the Exchange's companies division (if a listed company is involved), the ASX membership division (if a broker is involved), or the ASX

derivatives division (if a derivative security is involved)." Goldschmidt 6,983,266 B1 col. 12, lines 41-46)

As per claim 8 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 7.

Goldschmidt 6,983,266 B1 further discloses that the suggested action comprises conveying an insider trading report to a government entity. ("Where there appears to have been a breach of the law, the matter is reported to the federal government body that administers the corporations law, namely the Australian Securities Commission (ASC) for further investigation and, if necessary, for legal action." Goldschmidt 6,983,266 B1 col. 12, lines 47-51)

As per claim 9 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 7.

Goldschmidt 6,983,266 B1 fails to explicitly teach that the suggested action comprises initiating a risk management clearinghouse search.

Barton US 2002/0059093 A1 teaches "The method can be practiced using a network-based system including a server system coupled to a centralized database and at least one client system." Barton US 2002/0059093 A1 ¶ [0007])

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Goldschmidt 6,983,266 B1 to include network-based system including a server system coupled to a centralized database as taught by Barton US

2002/0059093 A1. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Goldschmidt 6,983,266 B1 in this way for receiving and storing information relating to a suspected non-compliant event (SNCE) generated by a primary monitoring system. (See at least col. 3, lines 63-65 of Goldschmidt 6,983,266 B1).

As per claim 10 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 7.

Goldschmidt 6,983,266 B1 further discloses that the suggested action comprises monitoring an associated account for a pattern of activity that may be indicative of a violation of an insider trading law. ("Unusual patterns might be reflected in heavy turnover in a particular stock, or in a price change much larger than changes in other stock prices observed that day. Once an unusual pattern is detected, if no adequate explanation is found and there appears to have been a breach of the ASX rules, it is reported to the Exchange's companies division (if a listed company is involved), the ASX membership division (if a broker is involved), or the ASX derivatives division (if a derivative security is involved)."

Goldschmidt 6,983,266 B1 col. 12, lines 38-46)

As per claim 11 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 7.

Goldschmidt 6,983,266 B1 further discloses that the suggested action comprises monitoring actions taken by an entity associated with the financial transaction for a

pattern of activity that may be indicative of a violation of an insider trading law. ("Unusual patterns might be reflected in heavy turnover in a particular stock, or in a price change much larger than changes in other stock prices observed that day. Once an unusual pattern is detected, if no adequate explanation is found and there appears to have been a breach of the ASX rules, it is reported to the Exchange's companies division (if a listed company is involved), the ASX membership division (if a broker is involved), or the ASX derivatives division (if a derivative security is involved)." Goldschmidt 6,983,266 B1 col. 12, lines 38-46) and ("As a result, the division may detect unusual patterns of market behaviour that might instance market manipulation, insider trading and similar practices. As a result, the division may detect unusual patterns of market behaviour that might instance market manipulation, insider trading and similar practices." Goldschmidt 6,983,266 B1 col. 12, lines 35-38)

As per claim 14 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 7.

Goldschmidt 6,983,266 B1 further discloses that the suggested action comprises generating an insider trading report comprising details of the financial transaction and transmitting the report to a trading exchange associated with the financial transaction. ("Unusual patterns might be reflected in heavy turnover in a particular stock, or in a price change much larger than changes in other stock prices observed that day. Once an unusual pattern is detected, if no adequate explanation is found and there appears to have been a breach of the ASX rules, it is reported to the Exchange's companies

division (if a listed company is involved), the ASX membership division (if a broker is involved), or the ASX derivatives division (if a derivative security is involved)." Goldschmidt 6,983,266 B1 col. 12, lines 38-46)

As per claim 15 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 14.

Goldschmidt 6,983,266 B1 further discloses that the insider trading report is transmitted via electronic mail. ("It combines computer-based decision support systems to analyse market events with communication software, text retrieval and graphics." Goldschmidt 6,983,266 B1 col. 2, lines 9-11)

As per claim 16 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 14.

Goldschmidt 6,983,266 B1 further discloses the steps of: storing a record of the date and time of the transmission; and storing a record of a destination of the transmission. ("The alert record contains details of the alert type, the SNCE transaction, details of the entity under review (the stock)--current and historical, and other related information. Control rules on the blackboard retrieve this hypothesis from the output of SOMA." Goldschmidt 6,983,266 B1 col. 17, lines 49-54)

As per claim 17 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 1.

additionally comprising the step of securing the data comprising the insider trading report with at least one of:

- (i) encrypting the data,
- (ii) password protecting the data,
- (iii) protecting the data with a biometric access procedure, and
- (iv) refusing to disclose the data except where such disclosure is requested by an appropriate law enforcement or bank supervisory agency.

Examiner takes official notice that encryption, password protection, and biometric protection of secure data as well as an override capability for law enforcement agencies, administrators, and tech support personnel are old and well known in the art. (See also ¶ 2 of this Office Action.)

6. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 further in view of Mastwyk US 2002/0091622 A1.

As per claim 12 (Currently Amended) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 7.

Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 fails to explicitly teach that the suggested action comprises refusing to perform a requested the financial transaction.

Mastwyk US 2002/0091622 A1 teaches "the dynamic information flows which stream through the organisation over time. The design is based on plug gable rules for several core banking information flows, such as; The Credit Process, I.P.O's, Structured Finance Workflow etc. Once the start of such a flow is registered the next steps in the process, including the insiders involved, are immediately closed for trading." (Mastwyk US 2002/0091622 A1 ¶ [0007])

As per claim 13 (Original) Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 teaches a method of claim 7.

Goldschmidt 6,983,266 B1 in view of Barton US 2002/0059093 A1 fails to explicitly teach that the suggested action comprises closing an account associated with the financial transaction.

Mastwyk US 2002/0091622 A1 teaches "the dynamic information flows which stream through the organisation over time. The design is based on plug gable rules for several core banking information flows, such as; The Credit Process, I.P.O's, Structured Finance Workflow etc. Once the start of such a flow is registered the next steps in the process, including the insiders involved, are immediately closed for trading." Mastwyk US 2002/0091622 A1 ¶ [0007])

Claims 18-21 (Canceled)

Conclusion

7. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Dixon/
Primary Examiner, Art Unit 3684

Gerald Vizvary
Patent Examiner, A.U. 3684
April 6, 2010